

**ENTERED**

March 30, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JOHN T. PATRICK,

Plaintiff,

VS.

LANNETTE LINTHICUM, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-459

**ORDER**

The Court is in receipt of Defendant Tanya Lawson's Motion for Summary Judgment, Dkt. No. 39; John T. Patrick's ("Patrick") Motion for the Court to Order Defendant Lawson to Speed up the Process for Replacement of Prescribed Glasses, Dkt. No. 43; Plaintiff's Motion for Preliminary Injunction, Dkt. No. 46; Plaintiff's Declaration which he asked to be included with his motion for preliminary injunction, Dkt. No. 45; Plaintiff's Motion for Intervention in this Action, Dkt. No. 47; the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 48; Plaintiff's Rebuttal to Summary Judgment Order in Favor of Defendant Lawson, Dkt. No. 50; Plaintiff's Motion to Alter Judgment on Plaintiff's Motion for Intervention of Senior Judge H. Tagle, Dkt. No. 49; Plaintiff's Motion to Submit Additional Evidence in a Summary Judgment Proceeding, Dkt. No. 53; and Motion for Preliminary Injunction to Force TDCJ to release the necessary funds to pay for medical necessity, Dkt. No. 56.

On September 11, 2020, Patrick filed a Motion to Submit Additional Evidence in a Summary Judgment Proceeding, Dkt. No. 53. Patrick states in his motion that

On 4/14/20 Plaintiff filed his Rebuttal to Summary Judgment Ruling in Favor of Defendant Lawson by Hon. Magistrate Jason B. Libby. Included in this rebuttal [were] documents that confirm a withdrawn slip was done by C.C.A. R. Martinez on 10/25/19 . . . . Since that time

another C.C.A. L. Hann, has come into the picture to help cover up the violations . . .

*Id.* at 1. Plaintiff includes two letters written by Lindsey Hann, CCA. Dkt. 53-1 at 1 and 2. These letters address Plaintiff's attempt to replace his glasses after the alleged incident on August 14, 2019 in which Plaintiff claims that a medical official named Rodriguez witnessed a use of force against Plaintiff and thereafter directed Lt. M. Gutierrez and Sgt. Lane to confiscate Plaintiff's glasses and throw them away. Dkt. No. 28. The Court concurs with Magistrate Judge Libby's denial of Plaintiff's Motion for Leave to File an Amended Complaint adding the claims arising from the alleged August 14, 2019 incident. Dkt. No. 38. The Court therefore **DENIES** Plaintiff's Motion to Submit Additional Evidence in a Summary Judgment Proceeding, Dkt. No. 53.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 48.<sup>1</sup>

The Court **GRANTS** Defendant's motion for summary judgment, Dkt. No. 39.

The Court **DISMISSES WITH PREJUDICE** the above-captioned case filed on December 27, 2018.

Additionally, the following motions are **DENIED**:

- Plaintiff's Motion for the Court to Order Defendant Lawson to Speed up the Process for Replacement of Prescribed Glasses, Dkt. No. 43;
- Plaintiff's Motion for Preliminary Injunction, Dkt. No. 46; and
- Plaintiff's Motion for Intervention in this Action, Dkt. No. 47.

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<sup>1</sup> The Court declines to adopt the following statements from the M&R: "Lastly, Plaintiff has filed a series of exhibits that have been docketed as a Motion to Alter or Amend Judgment. (D.E. 44). No judgment, however, has been entered in this case. Plaintiff's series of exhibits further contain no discernible argument that would support the reconsideration of any order or recommendation issued in this case. Accordingly, the undersigned recommends that Plaintiff's Motion to Alter or Amend Judgment (D.E. 44) be denied." Dkt. No. 48 at 17. The docketing of the exhibits as a motion is an error on behalf of the Clerk's office. The Court will therefore not treat the exhibits as a motion and orders the Clerk of Court to change docket entry 44 to reflect the fact that the documents are exhibits and not a motion.

The following motions are **MOOT**:

- Plaintiff's Motion to Alter Judgment on Plaintiff's Motion for Intervention of Senior Judge H. Tagle, Dkt. No. 49; and
- Motion for Preliminary Injunction to Force TDCJ to release the necessary funds to pay for medical necessity, Dkt. No. 56.

Final judgment will be entered separately.

SIGNED this 30th day of March 2021.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', is written over a horizontal line.

Hilda Tagle  
Senior United States District Judge